IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6093 of 1999

Between:

Cherpurupalli Appanna @ Chinnodu,

S/o Pentaiah, Hindu, aged 70 years,cultivation,

Nethivanipalem,

R/o Dosooru, Atchyuthapuram Mandalam,

Visakhapatnam District

..... PETITIONER

AND

1. The District Collector, Visakhapatnam,
2. The Revenue Divisional Officer, Narsipatnam,
3. The Mandal Revenue Officer, Achlutapuram, Visakhapatnam District,
4. The District Panchayat Officer, Visakhapatnam,
5. The President, Dopperla Village, Atchyutapuram mandal,

   Visakhapatnam District,
6. Circle Inspector, Yella Manchili, Visakhapatnam District,
7. Sub-Inspector of Police, Achutapuram mandal, Visakhapatnam District,
8. Varanasi Seshu Babu, Ex-President, s/o Sreehari, 45 years, cultivation,
   Dosuru village, Achutapuram mandal, Visakhapatnam District,

9. Varanasi Veeru Babu s/o Narasimha Murthy, 42 years, President of Dopperla Panchayat Achutapuram mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents, 4, 8, 9 in trying to lay a pucca road through the petitioner's land to an extent of 36 acres situated in S.No.249 at Dosuru revenue village, Atchutapuram mandal, Visakhapatnam District as highly illegal, arbitrary and violative of principles of natural justice.

For the Petitioner: S. NANDA, Advocate

For the Respondent Nos. 1 to 4: GP FOR REVENUE

For the Respondents 5 to 9: None appeared.

The Court made the following :

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 6093 OF 1999

O R D E R

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in taking steps to lay a pucca road through the land of the petitioner in Sy.No.249 of Dosuru revenue village, Atchutapuram mandal, Visakhapatnam District, as illegal and arbitrary.

It is the case of the petitioner that he is the owner and possessor of the land in Sy.No. 249, Dosuru revenue village, Atchutapuram Mandal, Visakhapatnam District. It is his specific case that the respondents are taking steps to lay a pucca road through his land, without notifying under the provisions of the Land Acquisition Act, 1894, for any public purpose. It is also his specific case that respondents 6 & 7 have obtained his signatures on blank papers to fabricate his consent for laying such road.

Though writ petition is of the year 1999, no counter affidavit is filed on behalf of the respondents to deny the allegations.

In that view of the matter, I dispose of the Writ Petition with a direction to the respondents that if any new road is to be laid through the land of the petitioner in Sy. No. 249, Dosuru revenue village, Atchutapuram Mandal, Visakhapatnam District, the respondents shall not take any steps to lay any road through the land of the petitioner, as otherwise than due process of law.

Subject to the above direction, the Writ Petition is disposed of. No costs.

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JUSTICE R. SUBHASH REDDY

Dated 01-07-2004

VP/Msnr.

Asst. Registrar

//true copy//

SECTION OFFICER

To

1. The District Collector, Visakhapatnam,
2. The Revenue Divisional Officer, Narsipsatnam,
3. The Mandal Revenue Officer, Achutapuram, Visakhapatnam District,
4. The District Panchayat Officer, Visakhapatnam,
5. The President, Dopperla village, Atchutapuram mandal, Visakhapatnam

District,

6. The Circle Inspector, Yellamanchili, Visakhapatnam District,

7. The Sub-Inspector of Police, Achutapuram mandal, Visakhapatnam District,

8. 2 C.D. copies to Govt. Pleader for Revenue, High Court buildings, Hyderabad (O.U.T)

9. 2 C.C. copies,